CONVOY DISPATCH

Voice of the Teamster Rank and File Since 1975

Teamsters for a Democratic Union Box 10128, Detroit, MI 48210 (313) 842-2600

Nov.–Dec. 1982
No. 30

Photo by W.R. Edmonds

PENSION VICTORY!

Convoy-Dispatch photos by Bob Gumpert

"It took four long years, but we won our pensions. We could never have done it without TDU," Kroger baker Mary Roback, left, told the TDU Convention. See page 9 for the story of how 150 Teamsters won their pensions.

IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, OHIO

RAY CARPENTER, et al.,
PLAINTIFFS,

— vs —

THE ESTATE OF WILLIAM PRESSER, et al.,
DEFENDANTS

CASE NO. 79 - 2801

JUDGE YEAZEL

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION AND HEARING ON PROPOSED SETTLEMENT AND AWARD OF FEES AND EXPENSES

TO: ALL BENEFICIARIES OF THE OHIO HIGHWAY DRIVERS' WELFARE FUND

This notice is given pursuant to Rule 23 of the Ohio Rules of Civil Procedure and by Order of the Honorable Russell Yeazel of the Montgomery County Court of Common Pleas. This case is now pending as a class action brought on behalf of:

All persons for whom the Ohio Highway Drivers' Trust was operated as set forth in the Trust Agreements of such Trust, during the period commencing on January 1, 1970 and ending on the date this action is finally concluded except the named defendants other than present trustees.

A settlement of this case has been proposed which provides for a payment of $510,000.00 to the Ohio Highway Drivers' Welfare Trust.

NO PAYMENT WILL BE MADE TO ANY INDIVIDUAL BENEFICIARY.

A Hearing will be held on November 24, 1982 at the Court of Common Pleas for Montgomery County, 41 N. Perry Street, Dayton, Ohio, Courtroom 5, at 1:30 p.m. to determine whether this Settlement Agreement should be approved as fair, reasonable and adequate to the Fund and its beneficiaries. This Notice is sent to inform you, as a beneficiary and class member, of the proposed settlement and to advise you of the options available to class members. If you do not object to the terms of the settlement, there is no need for you to take any action.

SUMMARY DESCRIPTION OF THE CASE

This case was brought by Ray Carpenter, Jack O'Dowd, Kenneth Moore, Tom Tignor, Leo Kohls, Charles Teas, Carl Pelioski, Henry Parker, John Kelly, Harold Salmons, Rayburn Mumby, Charles Parker, Paul Peck, Harold Koontz, Ronald Findley, Jacob Tyler, and John Warr[illegible] all [illegible] the Int[illegible] Br[illegible] Team[illegible] Ohio [illegible]

$510,000 Goes Back to Ohio H & W Fund

See page 5.

Rank & File Win NMFA at Taynton

See page 4.

They Say...

"TDU, for the past number of years, has not done one thing for the Teamster member or his family."

—From a "BLAST" PR sheet of Jackie Presser
October 1982

The Facts Speak For Themselves

150 Teamsters' pensions won after a 4 year battle...a half million dollars restored to the Ohio Highway Drivers Fund...NMFA won after long battle by TDU members at Taynton Freight...All in a one-month period!

Make it Happen. TDU Needs You.

If you agree with Teamster members who are working to improve our union, do something positive. Join TDU. Don't say you'll do it. Do it Today!

Name_____ Local Union #_____

Address_____

City_____ State/Prov._____ Zip_____

Phone_____ Company_____

City☐ Road☐ Dock☐ Clerical☐ Warehouse☐
Construction☐ Production☐ Other_____

☐ $20 membership fee—for one year's membership & subscription to **CONVOY DISPATCH.**

☐ $25 optional membership fee. ($5 of this shall be rebated to the local chapter.)

☐ $10 annual dues for spouses, retirees, and Teamsters who gross less than $10,000 a year.

Return to: TDU, P.O. Box 10128, Detroit, Michigan 48210
(TDU membership is kept confidential from employers and IBT officials.)

LETTERS

Nothing But Admiration In My Heart

Dear TDU,

Thanks for allowing me the privilege of speaking at your convention! There is nothing but admiration in my heart for all of you. Yes, TDU is terrific!

After enduring a seven month strike at WABCO and not allowing any concessions, I knew we had quite an accomplishment. TDU shows me the same rank and file fight against all odds. Never in my life have I been more **inspired!**

Yes, I came to your convention with little and left with much. Brothers and Sisters I am grateful and please accept me as your lifetime friend!

Fraternally,

Joe Jurich
Chief Steward,
United Electrical Workers, Local 610
Wilmerding, Pa.

Convoy-Dispatch photos by Bob Gumpert

BROTHER JOE JURICH was a leader in the successful 7-month strike against concessions at the Westinghouse Air Brake Co. earlier this year. He addressed the Convention on Friday night.

Looking Ahead To Next Year

Dear TDU,

Thanks ever so much for your generous consideration. I will never forget your hospitality and friendship, which developed in Detroit.

I am looking forward to next year's convention, and hope to start a chapter here in Boston.

A concerted drive on my part will be started immediately here in Boston for new members. Any recruitment literature and membership cards would be much appreciated.

Fraternally,

Ken Sprague
Local 82
Brockton, Mass.

Attending TDU Convention An Inspiration

Dear TDU,

Attending the 1982 TDU Convention was an inspiration—to see people from all parts of the country, concerned about their Union. The Convention was informative, and enlightening, and, above all, well put together.

Thanks to all the TDU staff and other people who made this Convention possible.

The reason I attended the convention was because I am concerned about the corruption and lack of representation that the rank and file has been tolerating for a number of years.

Seeing the film dealing with the 1930s, and the struggle the rank and file had, reminded me of how much work still lies ahead of us. I am sure most of you don't want to go through that!

In closing, I would like to appeal to those of you out there, who may not belong to TDU, **to join us.** Or you may simply want to send in those $1, $5, $10, and $20 bills, so we may continue the fight to return the union to the rank and file.

Fraternally,

Joe Provo
Local 337
Detroit, Mich.

A Model of Democracy

Dear TDU,

I am writing to let you know how much I enjoyed attending the TDU Convention. It was a model of democracy.

I enjoyed listening to people like Bill Slater, who believe in what they say. It is a good feeling to be among people who have positive thoughts and do things to help themselves rather than wait for someone else to do things for them.

I especially enjoyed attending the workshops, and I attended as many as I could. I believe getting educated on different subjects is a major factor to winning the struggle.

It was good to meet the people at TDU that I had only talked to on the phone before. I am looking forward to attending next year's convention already. Keep up the good work.

Fraternally,

Dave Darrah
Local 92
East Canton, Ohio

MOVING?

Notify us of your new address or you will **not** receive your monthly **Convoy Dispatch**. The paper is sent third class bulk mail and will **not** be forwarded to you.

Use the membership application form in any issue of the paper to notify us and write on the top of the form—**CHANGE OF ADDRESS.**

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NEW TDU STEERING COMMITTEE: Front row, [left to right] Ken Paff, Local 407, Detroit; Bob Kinnunen, Local 705, Chicago; Cliff Coonley, Local 600, Florissant, Mo.; Bob Leslie, Local 147, Des Moines, Ia.; Pete Camarata, Local 299, Detroit; Jerry Bliss, Local 337, Detroit; Tom Bernard, Local 435, Denver; Clifton McDonald, Local 557, Randallstown, Md. [alternate]. Back row [left to right] Konstantine Petros, Local 20, Toledo; Mike Belzer, Local 705, Chicago; Doug Allan, Local 208, Los Angeles; Mike Friedman, Local 407, Cleveland; Bilal Chaka, Local 692, Long Beach, Cal.; Jan Sunoo, Local 278, San Francisco; Charlie Brown, Local 585, Pittsburgh; Mike Johnston, Local 679, San Jose [alternate]. Not pictured, Fran Griffith, Local 436, Cleveland; Allan Ebert, Local 773, Allentown, Penn. [alternate].

Quotation of the Month

"The No. 1 cause (of union's decline)—what the trade unionists themselves put the most emphasis on, and everything I've seen corroborates their view—is the increasingly effective management opposition to unions. In 1980, some 15,000 workers were held by the National Labor Relations Board to have been fired for union activities (mostly in organizing drives). So one very important factor is that company managers have been fighting the unions. They are breaking the law. And there's no real penalty for breaking the law."

Richard Freeman, Professor of Economics at Harvard University; Quoted in Fortune Magazine, September 20, 1982

WHO WE ARE

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers, warehouse workers—every kind of Teamster and spouses too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in November 1981 for one year. Our Rank & File Convention had over 500 representatives present.

We are proud Teamsters standing up for our rights. If you agree with our **Rank & File Bill of Rights** then how about joining us?

RANK & FILE BILL OF RIGHTS

I. DEMOCRATIC BY-LAWS. All Business Agents and Stewards should be elected. Vacancies in offices should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining their company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent till proven guilty, right to remain on the job till final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right backed up by our union to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT HOUR DAY AND FIVE DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25 and out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the difference in age, race, and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

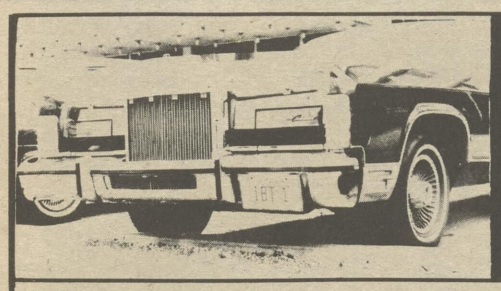
NEWS FROM THE

WASHINGTON OFFICE

The Washington office of TDU—formerly PROD's national office—is the rank and file's voice in the capital. Litigation, designing new legislation, reforming safety regulations concerning all aspects of working conditions and truck design—we're working for you.

We have a Professional Drivers Council of TDU to help. But we need your input.

PROD/TDU
Room 612–2000 P St., NW
Washington, D.C. 20036
(202) 785-3707



YOUR DUE$ PAY FOR THI$?

Cody Convicted of Racketeering and Tax Evasion. John Cody, president of Local 282 on Long Island, N.Y., was convicted on Federal charges of labor racketeering and tax evasion on October 8. He faces a maximum penalty totaling 32 years in prison and $8,000 in fines. The jury in the case found that Cody had demanded and received $160,000 in kickbacks from real estate brokers who had dealings with the union. He was also convicted of four counts of violating the Taft-Hartley Act by accepting gifts from building contractors, including a rent-free $1,000 a month apartment. The prosecution proved that Cody had engaged in a "pattern of racketeering" going back to 1968.

According to former TDU co-chair and Local 282 member Ted Katsaros, one count on which Cody was convicted involved a contractor who refused to give in to Cody's kickback demands. Cody then pressured other builders not to do business with the contractor, forcing him out of business. In the process, seven Local 282 members lost their jobs—all to satisfy Cody's greed for money and power.

"We started publishing information about Cody's sweetheart deals years ago in our newsletter, and finally the government realized something had to be done," Katsaros said. "But getting rid of Cody isn't enough. We need strong rank and file action to turn this local around, not only so it will be a clean local, but so it will effectively serve the members as well."

Do Presser's Friends and Relatives Hold No-Show Union Jobs? This is the question Federal investigators are seeking to answer in a probe of the finances of Teamsters Local 507 and Bakery Workers Local 19 in Cleveland, both of which are headed by International Vice President Jackie Presser. The **Cleveland Plain Dealer** reported in early November that Presser's uncle, Allen Friedman, has admitted to Labor Department investigators that he was paid $52,000 a year for almost five years as a Local 507 business agent even though he never worked for the union. Similarly, Presser's wife's business partner, Anthony Hughes, has been receving $78,000 a year as Local 507 recording secretary and Local 19 Business Agent, but also never did any work. This information appeared in a federal affadavit released early in November.

According to the Labor Department affadavit, Presser and Harold Friedman, who is President of Locals 507 and 19 and took home $426,873 in 1981, are targets of an investigation into allegations that they embezzled union funds "by causing various persons to be paid salaries from union funds, knowing full well that those persons performed no functions for the union's benefit." The affadavit said that all the payroll checks to the no-show employees were signed by both Presser and Friedman.

Local 169 Official Pleads Guilty to $300,000 Extortion. Bernard Marcus, the former Secretary-Treasurer of Philadelphia Local 169, has pleaded guilty to federal charges of extorting more than $300,000 from businessmen in return for labor peace. Marcus said he took payments from the executives of 19 companies whose workers are "represented" by Local 169. According to the FBI, payments were made to Marcus on a regular basis from 1954 until January of 1982. Sentencing is scheduled for December 6.

Reports Link Pension Fund Director to Mobster-Influenced Loans. The **Kansas City Times** reported on October 18 that George Lehr, currently director of the Central States Pension Fund, personally authorized a $300,000 loan to a shaky trucking firm linked to one of Kansas City's leading mob figures. Lehr approved the loan when he was chairman of the Traders Bank, about a year before he was hired by the Fund.

Lehr admits to having discussed the loans with Jimmy Duardi, described by the K.C. Times as a "feared racketeer possibly in line to inherit the leadership of the Kansas City underworld." Lehr claims he did not know Duardi's reputation, although other bank officials told the **Times** they were concerned about the presence of Duardi in the deal.

Duardi told the newspaper that he joined J&L Refrigerated Trucking in the spring of 1980, shortly before it received its first $100,000 of credit from Traders Bank. He said his role was to "control (the company's) money." He wrote most of the company's checks.

J&L went out of business in April, 1981, 11 months after receiving the first loan from Traders. In June, a settlement was reached in which J&L dropped any claims against Traders, and the bank sold J&L's assets to Isis Leasing for $50,000. The bank loaned Isis the $50,000, but it also went out of business in July, 1982. Interestingly, Isis employed Nick Civella, also a reputed mob figure in Kansas City and associate of IBT President Roy Williams.

Legislative Roundup

By Joe Keffer
TDU Staff Attorney

The 97th Congress has almost run its course. Unprecedented legislative attempts to weaken worker protections were relatively unsuccessful. But substantial damage is being done, largely through budget cuts and regulatory changes.

Although the brief post-election session is unlikely to consider much new legislation, there are several matters of interest to Teamsters which may come up. Bills not passed by the end of December automatically die, subject to possible reintroduction in the 98th Congress, which opens in January.

Here are some of the bills of concern the the rank & file which may come before Congress in December:

• **ERISA Withdrawal Liability.** A proposed amendment to ERISA has been jointly introduced by the International Union and the American Trucking Association. If passed in its present form, it would eliminate the outstanding liability of employers who withdraw from multi-employer pension plans.

Current provisions which attempt to ensure workers' pensions would be weakened. The current proposal is unacceptable to most of organized labor and will probably be revised and introduced in the next session.

• **Multiemployer Income Protection Act.** This is another version of pension reform legislation, which could even be more damaging than the Withdrawal Liability legislation. The bill would prevent underfunded pension plans (based on a certain ratio) from increasing their benefits until the ratio of assets to liabilities improve. This would limit gains that might be won at the collective bargaining table.

It would also reduce the funding responsibility of employers who go out of business to the federally guaranteed benefit rather than the amount stated in the pension plan. And it would exempt certain involuntary employer withdrawals from withdrawal liability.

• **Economic Equity Act.** This bill is designed to improve women's economic status under pension laws, lowers from 25 to 21 the minimum age at which workers must be included in company pension plans. It also requires a written consent of both spouses to waive widow's benefits under private pension plans, and requires payment of a widow's benefit if the husband has worked ten years under a private plan but dies before retiring.

• **Truck Size and Weight Relief.** Passage of this bill, strongly sought by the trucking industry, is being tied to highway user fee increases. Congressional tradeoffs would allow larger vehicles to run the roads if the trucking industry agrees to pay higher gasoline taxes. Action is possible during the lame duck session.

Time to Revitalize PROD/TDU Driver Safety Network

The list of problems is endless: irregular and multiple day dispatches, unsafe, overweight trucks, weak safety laws, fumes in the cabs, an Executive Branch out to destroy all health and safety protection, employers who put profits before human lives, a do-nothing union, and a failing economy.

No question about it. It's a war out there.

Can anything be done? PROD thinks so. New legislation is probably at the top of everyone's list, and indicators say that now may be the time to go on the offensive. One member of the U.S. Senate Transportation Subcommittee recently expressed an interest in introducing safety legislation. A significant shift in the makeup of the House of Representatives has changed the mood there somewhat.

Members at the recent Rank & File Convention made numerous other suggestions. One thing is certain. PROD must make its own breaks. Industry lobbyists will not roll over and play dead. Old ideas must be recast and new strategies have to be developed.

Most importantly, PROD networks have to be rejuvenated. Drivers must be willing to contact congressional representatives, newspapers and union officials to make sure that they understand and are willing to support our proposals.

If you are willing to be part of a network, complete the form below. Return it as soon as possible.

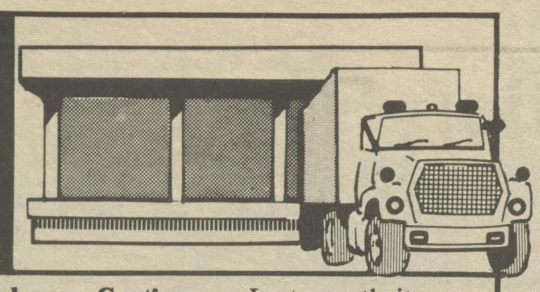
Yes, I Want to Get Involved!

I want to join in the fight for truck safety. Make me part of the PROD Driver Safety Network. Keep me informed of new developments, and let me know what I can do to help.

Name_____ Local_____
Address_____
City_____ State_____ Zip_____
Phone_____ Company_____

Return to: TDU/PROD, 2000 P St., Washington, D.C. 20036

Freight Lines



Battle Over Obligating Laid-off Employees Continues. Last month it was reported in **Convoy-Dispatch** that big employers such as Roadway are attempting to impose a new form of slavery on laid-off employees by "obligating" them to be available for work the entire week if they work just one day. Rank and Filers are continuing to fight against this system, with at least some success. In **Grand Rapids, Michigan, Local 406,** Roadway employees filed a group grievance against the new Article 43 in the Central States supplement. The grievance was settled locally, with a ruling that an employee may accept a work call at another company unless his home company assures him of work for that day. The ruling also freed the men to look for work anytime after 10:00 a.m. or after the company has said it won't need them for that day. In **Valdosta, Ga.,** Roadway Express backed off from suspending two employees for not being available for work just before the grievance was heard by the Biloxi, Miss. panel. Since the Southern supplement contains no language similar to Article 43 in Central States, Roadway undoubtedly would have lost at the panel. They avoided this precedent by reinstating the men and paying all the lost back pay.

Subler Driver Wins at Grievance Procedure. Rank and File pressure forced officials of **Local 79, Tampa,** which represents all Carl Subler drivers across the country, to win back the job of driver Albert Kidd at the grievance procedure. Subler accused Kidd, who is domiciled in Conley, Ga., and another driver, of stealing time by putting in false claims for unloading time. Then they demanded that the two drivers take a lie detector test, but the drivers refused, saying it violated their rights.

Meanwhile, Subler sent a letter to the unemployment boards saying the men had been fired for stealing, making them ineligible for unemployment. In effect, points out TDU activist Clint Bundy, who is also out of Conley, the men were guilty until proven innocent.

Subler actually persuaded one of the drivers to resign. But at Kidd's grievance hearing, the company lost and Kidd got his job back with 80 hours back pay . That was half what he deserved, according to Bundy.

The reinstatement represents a victory for the Subler drivers, because Local 79 has been such a do-nothing outfit so far. It's clear that organizing pressure put on the local by Subler drivers has spurred the local into some action at last. Numerous labor board charges are pending against both Subler and Local 79, with the first hearing before an Administrative Law Judge due to begin November 29. The drivers are represented by TDU attorney Arthur Fox.

Mixed Bag on Enforcing NMFA Scale. With hundreds of companies still refusing to sign the National Master Freight Agreement, the union still appears to have no coherent plan for protecting union scale. One positive step was taken recently, though, when the International threatened a strike at **Duff Truck Lines,** which is headquartered in Lima, Ohio. Duff pulled out of Trucking Management, Inc. and put through a voluntary individual wage cut which many employees had agreed to over a year ago. For quite some time, the International did nothing. But during the summer, the International authorized a 72-hour strike notice against Duff, and the company quickly agreed to pay master scale.

The outcome of the attempt to impose the NMFA on **Maislin-Gateway** is still in doubt. Earlier this fall, Jack Yager, who effectively heads the Central Conference, announced that Maislin would be struck on November 1 if it didn't agree to pay scale, reimburse the men for a 15% pay cut with interest, and bring its benefit payments up to date. The deal was contingent on the consummation of $34 million in loan guarantees provided by the Canadian government, which had decided to prop up the Montreal-based company.

But since that arrangement was made, some confusion developed about whether the Canadian loan and the company's assets could be used to finance U.S. operations. With the loan delayed, the International has decided to postpone the day of reckoning until December 1. Meanwhile, at least some Maislin-Gateway employees are still working for 15% below scale.

McLean Teamsters File Suit to Stop Flexible Work Week. On November 22 McLean Teamsters in Cincinnati filed suit in federal court to attempt to preserve their working conditions and contract. The suit is against McLean Trucking, Local 100, the Ohio Conference of Teamsters and the Joint Area Committee for their actions in implementing a full 'flexible work week' without even permitting a vote of the employees.

McLean had already implemented a flexible work week in Cincinnati, but it did allow some protection of working conditions and start times. "Now they are hitting us with the most rotten shifts you can imagine," one McLean dockman told **Convoy-Dispatch.** "They don't have a day shift at all, in fact. They divided it into a start time in the middle of the night and one around noon."

Their attorneys are Handelman and Kilroy, the same attorneys who this month successfully settled a case that won a half million dollars returned to the Ohio Highway Drivers Welfare Fund (see page 5). Within the past two months, TDUers and others have filed suits not only at Cincinnati McLean but also Toledo and Indianapolis Roadway against the same rip-off of conditions.

Taynton Rank & File Wins Master Freight

On November 1, the management of Taynton Freight Systems ended months of caucusing, collaboration and confusion between the company and the union and signed on the dotted line of the National Master Freight Agreement. The Taynton rank and file won this victory by refusing to have any part of the wheeling and dealing and substandard contracts offered by the company and fighting the whole time for the Master scale.

It all started in April, 1981, when Taynton employees were forced to give up 77c in COLA and contractual raises. When the NMFA came up the following spring, Taynton figured it had a good thing going and refused to go along with the Master Freight proposal. Instead, it offered the men the special commodities rider, which would have held their pay down to $11.75 an hour.

But on May 14, 1982, the rank and file resoundingly rejected this proposal, refusing to take any further concessions.

Shortly after the vote, it became clear that once was not enough for Taynton's, and rumors spread of another vote. "That's when we contacted TDU," said Local 529 member and Taynton driver Russ Jordan. "We didn't seem to have any representation from the union. It appeared our local president was working for the company. He seemed more worried about them than the members of the local."

All through the summer months, the rank and file fought through the grievance procedure to get back the lost 77c. And they took their story to the local media and to the communities where they lived. They passed out literature around the system in an effort to clear up the deliberate confusion caused by the company and the union about the proposed rider.

On September 4, a TDU meeting was held and about 40 drivers turned out to make final plans to defeat the proposed rider. But the meeting wasn't quite enough to overcome the lies and tricks of the company. For instance, Taynton employees in Wellsboro, Pa. were threatened with a damaging change of operations if the rider was defeated.

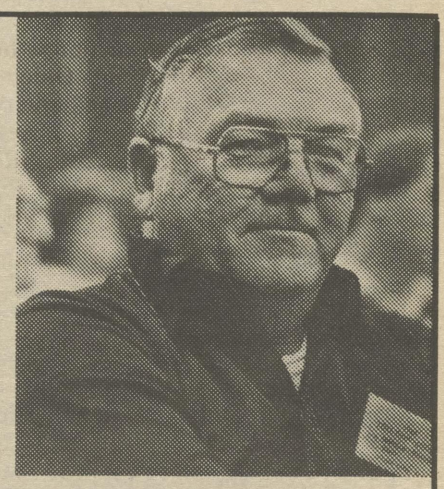
In Ithaca, N.Y. employees voted down the contract in the September 12 ballot, but then were told to march straight back into the union hall and vote it in. Employees in South Plainfield, New Jersey didn't vote on the contract at all and laid off employees around the system weren't notified of the vote. Even with these massive irregularities, the contract passed by a mere eight votes.

With the help of TDU attorney Joe Keffer in Washington, D.C., the Taynton rank and file quickly filed protests against the ratification procedure, and petitioned their locals, Joint Councils and the Eastern Conference to reject the substandard agreement. They also demanded a return to the NMFA.

Rank and file pressure made the difference. At long last, the International rejected the special commodities rider and Taynton was forced to sign the National Master Freight Agreement on November 1.

"We've definitely learned a lot of lessons throughout this contract fight," said Russ Jordan. "We've learned that if people stick together and hang in there, even when things are looking bad, that we can win. We're not stopping here, and we won't stop until we're sure that every member of Local 529 is represented fairly and the union is back in the hands of the rank and file."

Join the "100-100 Team"



"I was one of 83 people who pledged or gave $100 at the recent Rank & File Convention. I gave because I feel it's a super investment. It's time to straighten out this union. The more we can show something can be done, the more people will get involved. Hope you'll join the "100-100 TEAM."

Charles Daniels
Maislin, Road Driver
Local 560

To join the *"100-100 TEAM"* do the following:

- fill out the form below
- make out a check or money order to *Teamster Rank and File Educational and Legal Defense Foundation*
- mail to: TRF, Box 10303, Detroit, Mich. 48210

☐ I pledge $100. My check is attached.
☐ I pledge $100 in four $25 contributions.
☐ I pledge $100 in ten monthly payments.
Date_____ Chapter affiliation_____
I wish to remain anonymous: ☐yes ☐no
My name may be listed as a donor: ☐yes ☐no

Name_____ Company_____
Address_____ Local_____
City_____ State_____ Zip_____

Convoy-Dispatch photo by Bob Gumpert

DAVE DARRAH, a member of Canton Local 92, attended the Rank & File Convention. He has been involved in efforts to prevent concessions from being forced on tanker drivers in the state of Ohio.

Rank & File Fights Cuts in Ohio H & W

Across the U.S., Teamsters are feeling the pinch of cutbacks or threatened cutbacks in our health and welfare coverage. The worst spot so far appears to be Ohio, where some 25,000 Teamster families covered by the Ohio Highway Drivers Welfare Fund have suffered massive cuts on major medical coverage, life insurance, dental, optical and more.

For years TDU has alerted members regarding mismanagement of that fund and has taken action resulting in a total of over 1 million dollars recovered to it. (See story this page.)

Teamsters in Ohio have retained an attorney, Paul Tobias, to look into the cutback situation. Some documents have been obtained from the Fund, including the actuarial report on which the cuts were supposedly based. Further action is being considered. Members in Ohio who want to support this effort can do so by sending $10.00 to the Concerned Drivers Fund at 11020 Reading Road, P.O. Box 190, Cincinnati, Ohio 45241. (This organization is not connected with TDU.)

The question on many members' minds is what will happen with the maintenance of benefits clause in the NMFA and other contracts? The NMFA provides that "Such allocation (of Cost of Living money) shall be uniform in amount, and to the extent possible, in the sole discretion of the Joint National Master Committee, such uniform amount shall provide for the maintenance of Health and Welfare benefits in effect on January 1, 1982." This would mean restoring cuts in Ohio and some other funds.

TDU Organizer Ken Paff stated: "We have been involved in pension and health and welfare fund problems for the past few years, and have been successful in a number of crucial court cases."

"Now we are stepping up our interest specifically in the health and welfare cutbacks," he added. "We're committed to this, to the medical care of Teamster families. Members who care about their future should join TDU and become part of the solution."

TDU Action Restores $510,000 To Ohio Highway Drivers Fund

Thanks to a lawsuit brought by TDUers and other concerned Teamsters, several former trustees and administrators of the Ohio Highway Drivers' Fund will be forced to pay back $510,000 into the fund.

Notice of the action was mailed out to the 25,000 Teamsters covered by the Fund in early November. The $510,000 returned to the Fund (none will go to individual Teamsters) comes on top of $561,000 already restored by the U.S. Labor Department in an earlier lawsuit.

"I'm very happy," said Charlie Teas, Columbus UPS feeder driver. "This settlement will wrap up a series of rank and file actions going back to 1975. when we were dissatisfied with the Labor Department settlement, we launched this suit.

I'm proud of this and the Teamsters who made it happen."

Both lawsuits dealt with vast overpayments made to the Fund's administrator, general counsel Robert Knee, Sr. and Robert Knee, Jr., between 1970 and 1977. The Knee family was receiving sky-high payments for running the Fund, paid out of the members' health and welfare money. One attorney in the case described the payments to the Knees as an "obscene waste of members' money."

TDU attorney Robert Handelman explained: "It's a major victory for rank and file Teamsters, especially because the Labor Department with all its resources had essentially abandoned the matter." Handelman, who has worked on a number of important cases for TDU and rank and file Teamsters in Ohio, represented the plaintiffs along with another firm.

The former trustees (and their insurance companies) will pay about 80% of the $510,000. The defendants include the estate of William Presser (now deceased), Robert Cassidy of the Ohio Conference, Robert Todd (of Commercial Lovelace Management), and William McIntyre (formerly with Roadway Express) and two others.

New Faces, Same Policies

The Labor Department earlier forced the removal of the Knee family and the former Trustees, but allowed those same Trustees to pick their successors. Thus Jackie Presser still controls the union Trustees, and the same forces appoint new employer trustees as well.

"A lot of members think the health and welfare funds are just controlled by the union," said Charlie Teas. "It's not true, so when an employer complains about the high cost, tell him that the employers have 50% control of it. I always tell them that Old Man Taft would roll over in his grave at the way those employers are letting these Funds operate." (It was the Taft Hartley Act which required 50% control of benefit funds by employers.)

Even with over a million dollars recovered from wasteful overpayments in the 1970s, there is still the suspicion that with the same forces in control of the Fund, more of the same could be going on right now.

"Our local union officers always try to pass the buck on this kind of matter," said Konstantine Petros, dock steward at Toledo Roadway and member of Local 20. "But we know that Presser only can keep his power so long as they go along with him."

He continued, "Members who care about their health and welfare and pension fund better wake up and join with those who are doing something about them, and that's TDU. We should be electing officers who would take up this kind of lawsuit themselves, and who will use their influence to change the top leadership in the Ohio Conference. I'm proud to be part of TDU because it's winning cases like this and also working to get our union back to the rank and file members."

TDUers Launch Elected Stewards Fight in Chicago Local 710

On September 12th, when the votes were counted in the 15,000 member Chicago-based Local 710, William Joyce was re-elected again. There wasn't much news in that.

The news was, there was an election for the first time in 15 years and a hastily assembled rank and file slate was able to "officially" carry 30% of the vote. Bill Joyce was finally given a run for his money and as a result showed complete disregard for the IBT Constitution in his efforts to win.

Local 710 members from different areas have a hard time getting together. Almost half the members live far away from Chicago. Five thousand of them are UPS workers spread all over Illinois, Indiana, and part of Iowa. Through TDU's efforts during the UPS contract campaign, many 710 UPSers had begun to communicate and a network was beginning to form between UPSers throughout 710's jurisdiction.

When the nominations meeting was announced, these people put together a last minute slate and a program for Local 710 which would insure every member of the local an equal right of representation. Joyce used every dirty trick in the book to beat back the rank and file challenge, including, bringing in retirees to vote, in obvious violation of the IBT Constitution. A long list of election violations was turned in and will go in December to the U.S. Department of Labor for action, with the members' attorneys watchdogging the effort.

710 TDUers, believing the fight has just begun, met at a special caucus at the TDU Convention. A campaign to win the right of elected stewards was decided upon, and a plan of action adopted to make it happen. A coordinating committee met in Peru, Ill., on November 20 and several meetings throughout the area have been scheduled.

"The election was just a beginning for us," was the sentiment among 710 members at the Convention meeting. Brother Joyce, who has not faced any serious opposition to his control in the local for many years, apparently agrees. He's been complaining to other officers about how the members just don't appreciate him anymore. 710 members seem to be in agreement with Brother Joyce's sentiments and fully expect to win the right to fair and equal representation for all members of Local 710.

Action Under New Article 6

JAC Weakens Work Rules in St. Louis Local 600

On November 20 the members of St. Louis Local 600 (freight industry Teamsters) learned the meaning of the new Article 6 in the NMFA on changes in past practice.

Their long-standing work rules and local rider were changed by the JAC, and they have been told there will be no vote on it.

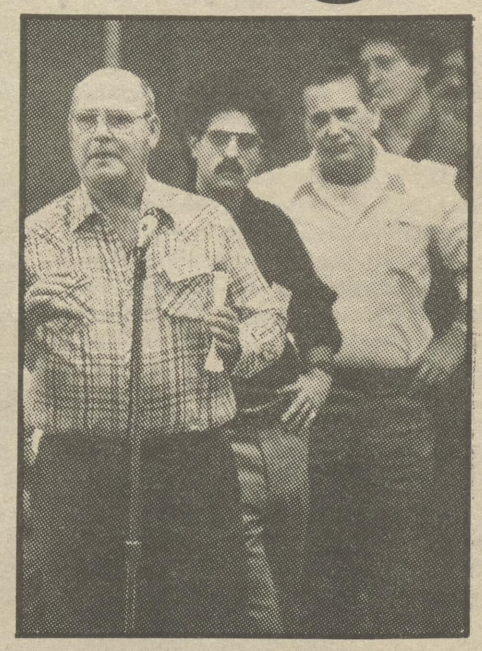
Many members were reportedly relieved that the changes were not worse. But some very valuable conditions were lost, such as the guaranteed drivers start time no later than 8:30 a.m., and limitations on weekend spotter work (drops and hooks) by road men were lost.

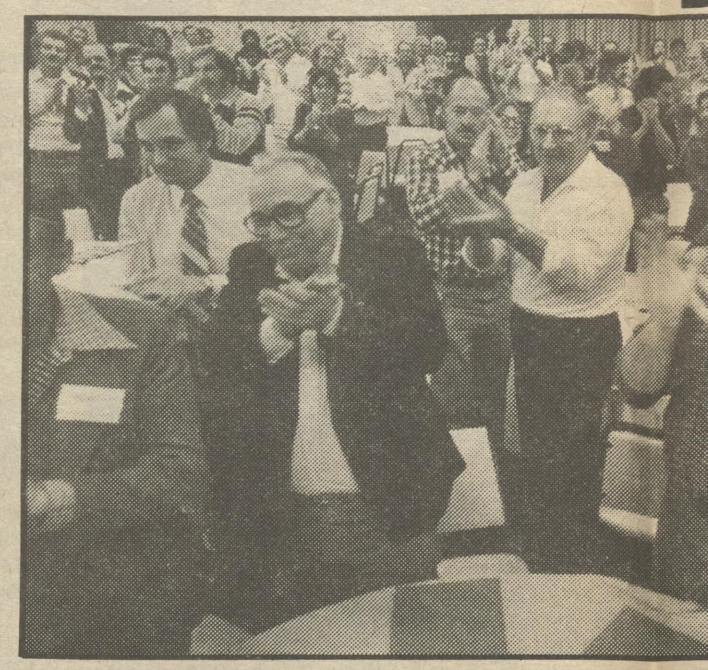
Local 600 had submitted some 20 articles for protection under the new terms of Article 6, which provides that "past practices" will be reviewed by the Joint Area Committee. Some were saved, and some were lost.

Local 600 President Robert Ramshaw sent a letter to Roy Williams stating that he felt the members were entitled to a vote, under Article 16, Section 4 of the IBT Constitution, on these changes in their local rider. Members had earlier written to Ramshaw making this demand.

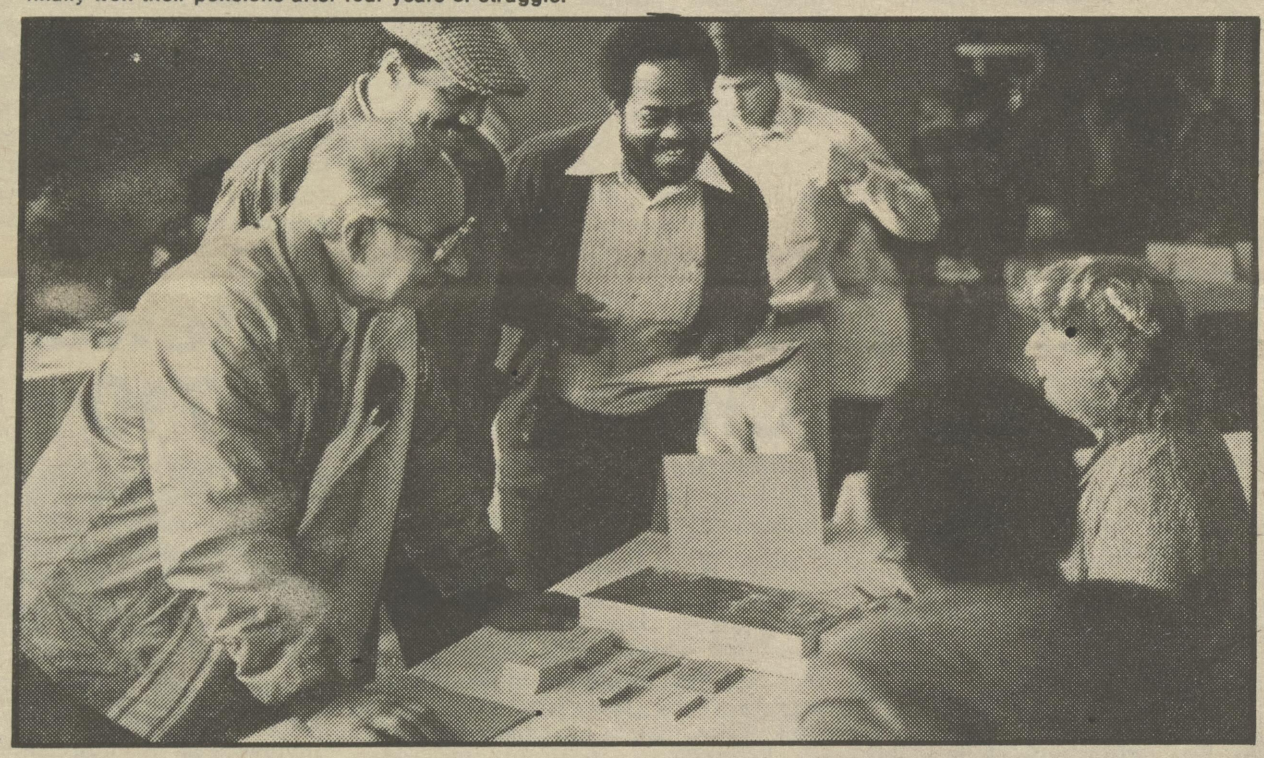
The answer from the International will be important, and will affect other freight Teamsters. Even if St. Louis Teamsters are satisfied with these changes, it is crucial that our right to vote be protected. It is our best protection against give-aways of our working conditions.

Victory Through Solidarity





CHARLIE HELTON, A ROADWAY EXPRESS SWITCHER from Chattanooga, Tenn. Local 515, brought his entire family to the Rank and File Convention. They all had a great time. Above right, Cliff Coonley of St. Louis Local 600 makes a point from the floor. Everyone who wanted to had a chance to voice their opinion during Convention main sessions and workshops. Center, top, the entire Convention rose to its feet when the announcement was made that 150 Kroger Bakers, members of Detroit Local 337, had finally won their pensions after four years of struggle.



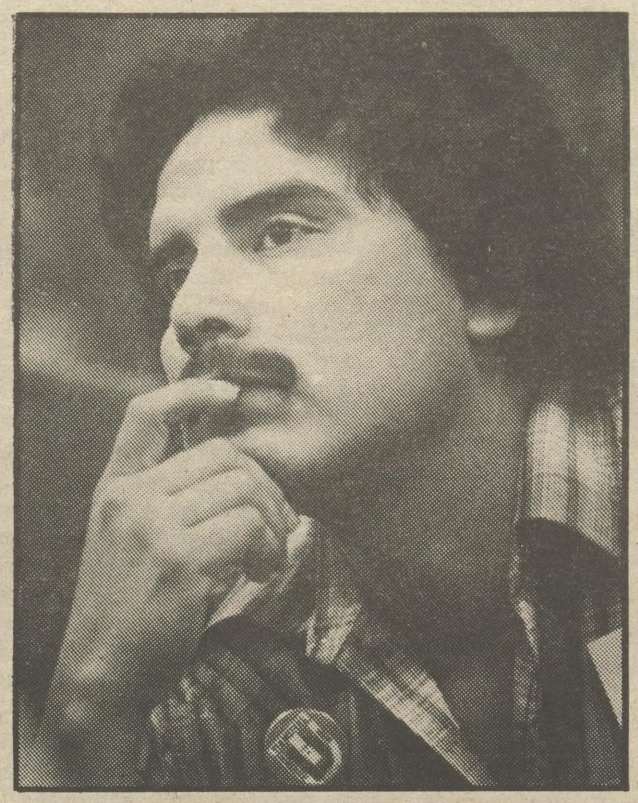
A CHANCE TO MEET NEW PEOPLE: Above Teamsters who drove all the way from Richmond, Va. make some new friends at the registration table. Below, UPSers from different locals exchange ideas on how best to fight the Big Brown Machine.

The Seventh Annual TDU Rank and File Convention was held October 30-31 in Detroit, Michigan. It came at a time when labor is on the defensive, with the economy at its lowest point in 40 years. Yet, despite these adverse circumstances, the spirit of excitement and determination ran high among the 400 rank and file Teamsters who came from across the country to be there. There were gains to be celebrated—a new and growing national network at UPS, the nation's largest trucking company; successful fights to defend our contracts, such as at Taynton Freight Systems; the triumph of 150 Kroger bakers in Detroit who stood up to the company and the union to win their pensions at last. And there was also much to be learned, in workshops, and in sharing experiences with new friends. There was also important business, such as electing a new TDU Steering Committee. In all, it was a full and rewarding weekend. As one tank driver from Ohio put it: "I can't really afford to be here—but then again, I can't really afford not to be here either."

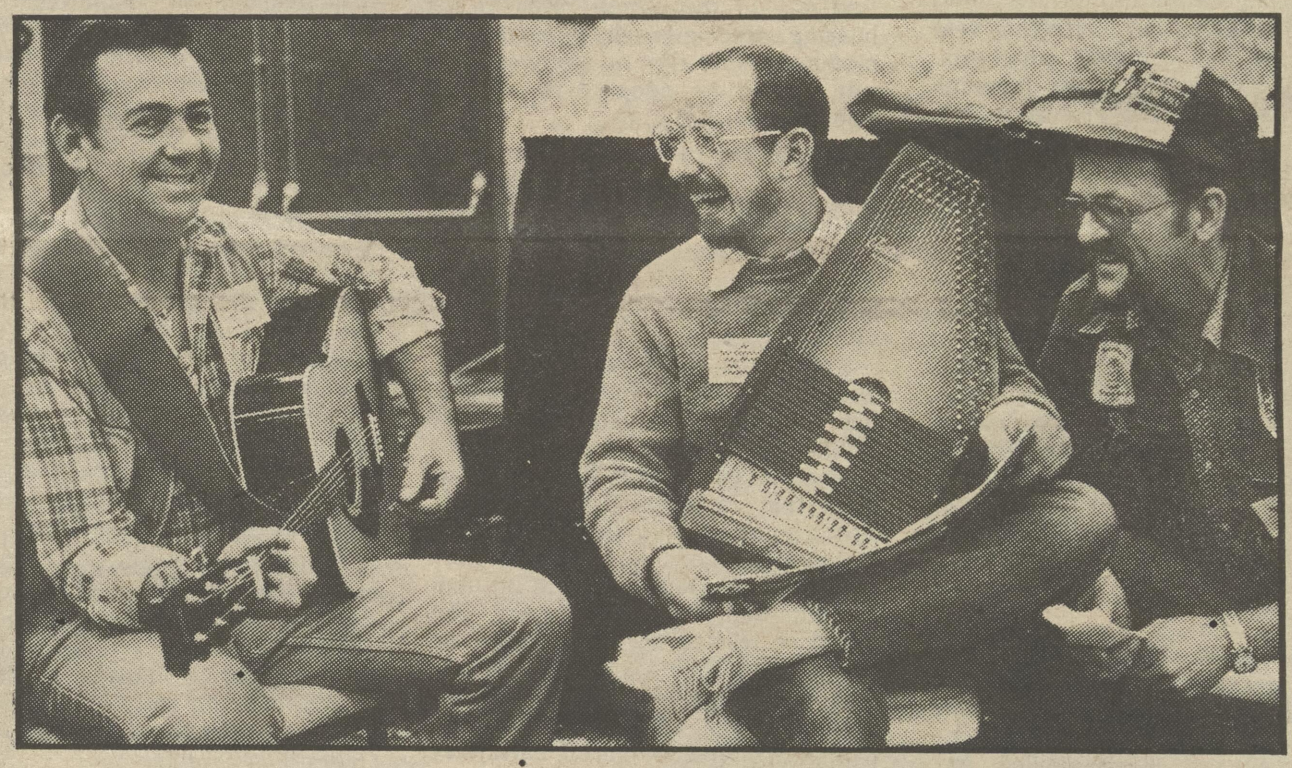
Convoy-Dispatch Photos by Bob Gumpert

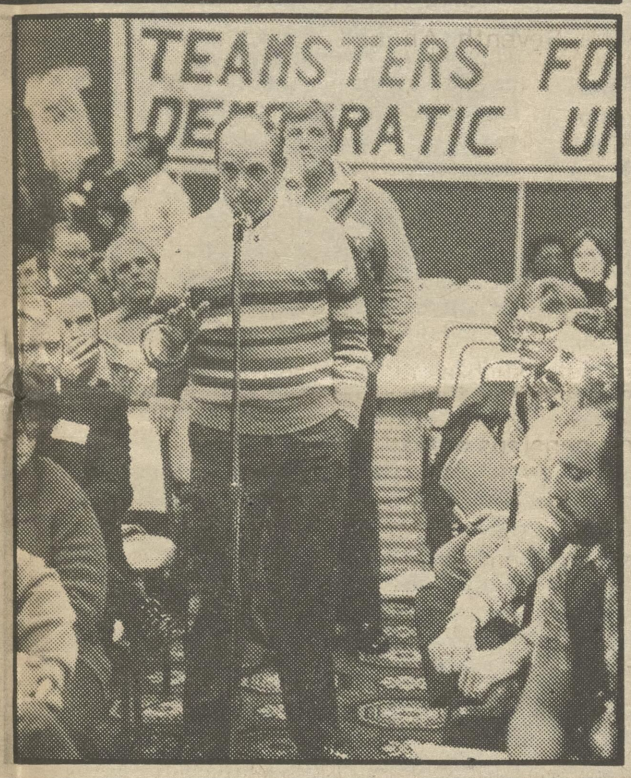
LEARNING NEW SKILLS: The workshop on using the grievance procedu drew an overflow crowd. In all, there were 16 workshops to choose from from Local 710 Chicago told the Convention that TDUers are tough enou local, where TDU recently ran the first credible opposition to 710 Sec.-

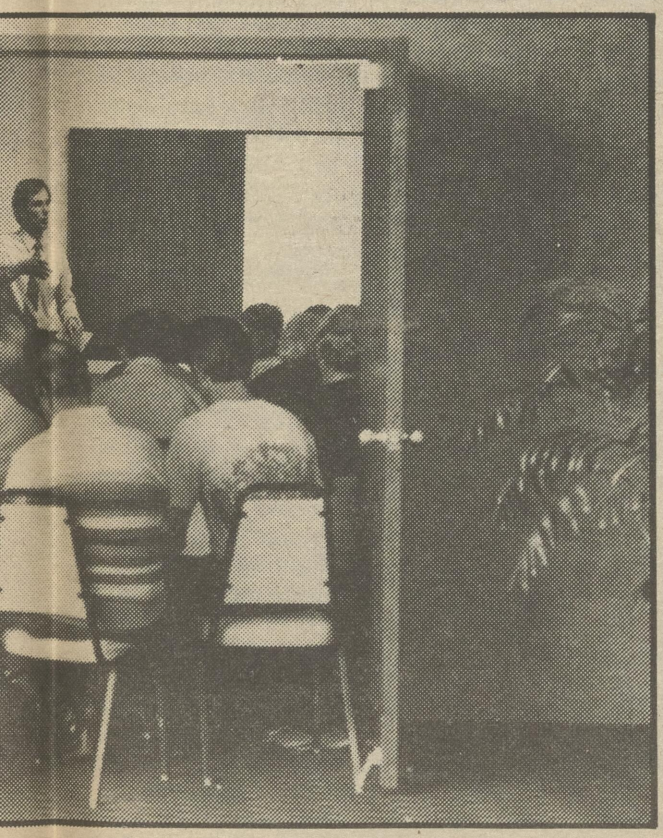
ity–TDU Convention 1982



ANDY ORTEGON, OF LOCAL 657 in Laredo, Tex. listens thoughtfully during a main session of the Convention. Right, Charlotte Cowles, a spouse from Local 705 in Chicago, explained the need for increased coverage of the participation of wives in Convoy Dispatch. Many rank and filers helped lead the Convention in the singing of union songs, old favorites and new compositions. Below, Mel Packer of Local 800 (center) and Gary Kuhn and Duane Rosenberger of Local 20, rehearse.

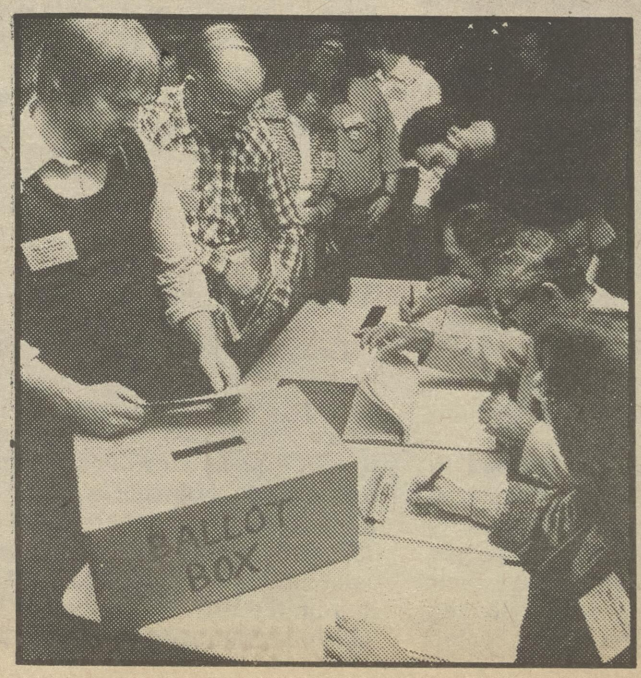


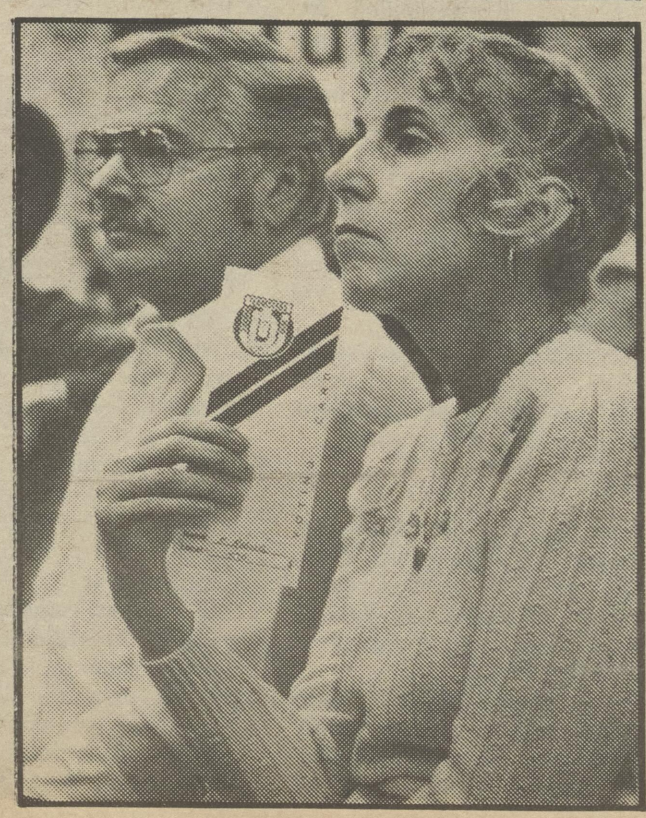




nce procedure effectively, led by TDU National Organizer Ken Paff, choose from at this year's convention. Middle, right, Ray Anderson e tough enough to win any battle with the current leadership of that to 710 Sec.–Treas. Bill Joyce in 20 years.

A DEMOCRATIC CONVENTION: A volunteer rank and file voting committee supervised the election of a new TDU steering committee, checking each voter's qualifications before they received ballots. At right, Irv and Barbara Roberts of Lansing Local 580 listen during a Convention session.





Growing Problem for Rank & File

Understanding Changes of Operations

"Change of Operations"—for thousands of Teamsters, these words mean lost seniority rights, lost jobs and uprooted families. And with the upheaval in the freight industry, recent changes of operations have hit Teamster members even harder.

Usually the rank and file Teamster is the big loser. And sometimes, Teamsters are pitted against each other to fight for fewer jobs, a disasterous situation for a union to tolerate.

The tragic thing is that it doesn't have to be this way. Article 8, Section 6 of the NMFA gives complete power to determine the terms of any change of operations to a "Change of Operations Committee", made up of equal representation from the employers and the union. Section 6(a) states, for instance: "Present terminals, breaking points, or domiciles shall not be transferred or changed without the approval of an appropriate Change of Operations Committee."

The union representatives to the Change of Operations Committee, which are established in each conference as subcommittees of the Joint Area Committee, have effective **veto power** over any company proposals. They have especially great leverage because unlike in the grievance procedure, it is the company that is seeking something from the panel, and the union can get conditions for granting the company's request.

But too often the union members of the Committee just go along with the company. An officer who has been involved in a number of Changes in the West told us that until recently the employers' rep Nate Fullmer 'thoroughly dominated' the Committee there, and the same has been true in the other 3 Conferences. The employer reps come well-prepared to get what they want. Union Committee members often come unprepared.

Pilot Freight

Pilot Freight Carriers has gone through several changes over the past year. Pilot transferred road drivers and dock workers from their Richmond, VA and Kernersville, NC terminals to their operation in Camp Hill, Pennsylvania.

A dozen Teamsters involved have now filed suit over denial of their full seniority rights.

These men were informed by the President of Local 776 at a meeting before they were transferred that they would be able to exercise their seniority rights and cross-over bid upon transferring to Camp Hill.

Later they were told there was an "inadvertent" omission of certain language at the change of operations hearing. So now they are in court.

ABF-ETMF

On August 19, 1982, the Multi-Conference Change of Operations Committee made one of the most sweeping decisions ever, affecting the jobs of thousands of Teamsters involved in the ABF-ETMF merger.

ETMF, under the direction of Board Chairman H.R. Bright, was commonly owned with several other subsidiaries. Prior to the merger, ETMF 'sold' all its equipment to one of those entities. Thus, the employer informed the Committee that ETMF owncd no equipment!

The Committee bought it. Union rep W.C. Smith dutifully seconded the employers' motion to approve it.

Furthermore, the company got away with numerous other parts of the change which were questionable.

Rules of Procedure

The proceedings of the Change of Operations Committees are usually shrouded in secrecy. The JACs set their own rules. The contract states that the employer need only provide a 20-day notice that it intends to apply for a Change. It also says that 'The employer and the local union involved shall have mutual responsibility to inform the employees subject to redomicile prior to such a hearing' in accordance with the rules of the Committee.

The Western Conference has better provisions which require that any proposed Change be submitted by the first day of the month prior to the hearing, which gives the union and the members more time to prepare. This rule should be adopted in all four Conferences.

McLean-Delta

In November, a very similar case came before the Western Conference with the **McLean-Delta Lines** situation. The company claimed it was not a merger, to deny dovetail seniority rights to McLean workers.

Union reps vigorously fought back, but in the end, behind closed doors, the Committee bought it, to the dismay of members and many officers. A source told us that behind closed doors the employers used blackmail: either go along with the program, or McLean will just close its Western terminals and Delta will pick up their accounts and hire off the street. This would be tearing up the contract and violating the National Labor Relations Act, so the union would have strong grounds to fight back, but the union is so unaccustomed to fighting back, they went along with the blackmail.

However, the Committee did provide better protections in this Change than the **ABF-ETMF** men got. For example, McLean workers will have recall rights for 3 years. ETMF, one year. It shows the Committee can make a difference.

What Can Be Done?

When Teamsters get wind of an upcoming Change of Operations, there are some things to keep in mind, because quick and effective action can make a difference.

Here are some ideas to consider that have been put together by officers, stewards, and attorneys who have been involved in a number of Changes over the years:

1] Get as complete information as possible beforehand. Will transfered drivers keep their company seniority for dispatch procedures? Will people who are moved continue to have their pension contributions made to the same Fund? What are the anticipated trends in business at the various terminals—are the company's projections accurate? And so on.

Every local affected has a right to be represented at the hearing. Comments such as answers to questions will be part of the official record. You might consider putting together some money to send a committee of knowledgeable members with your BA or local officers to the hearing. Link up with other barns also to try to present a united stand there.

You may want to contact TDU very early on the be guided by an attorney's advice on these sorts of matters.

2] Try to get clear language on key issues on the record at the hearing. Remember, anything that is disputed later for 'interpretation' will come back to the same Committee for clarification. But there will be a big difference because the company will have already gotten its way and you will be on the defensive.

3] Fight for longer "window periods". Employers try to minimize their responsibility to employees. They may move only 10 drivers when 20 turn out to be needed. After the specified "window period" expires, the company owes no more obligation. With a short window period, the company can manipulate the freight temporarily to get rid of senior employees. In the **ABF-ETMF** case, it was only 45 days. Compare this to CF's Change in the West earlier this year—a 365-day window. You should insist on long window periods, such as one year. In addition, we need to start to fight for **two-way window periods** to protect employees who are domiciled only to find out a month later that they would have been working steady at home. Also, the Committee can give **extended recall rights** to laid-off employees.

4] We should begin also to fight for some more fundamental changes in the Change procedures. For example, no-layoff guarantees could be included for up to 18 months, so that the company would truly be obligated to stick to the provisions of the Change of Operations agreement.

Another change needed is more ample information periods before Change of Operation Hearings. The largest single factor working against the members at present is that 90% of the time, they are kept in the dark until it is too late.

5] Organize rank and file pressure. Rank and file pressure and a united campaign around a proposed change can be very effective and can lead to positive changes in the way the union operates.

Yellow Freight

Early in 1982, Yellow Freight was seeking to put through a change of operations in Southern California which would have distributed the freight from its Pico Rivera terminal to five satellite terminals in the LA Basin. Rank and file members from Locals 357, 692, 208, and 952 organized and came up with demands to put forward in a united way. At a meeting held in which the company was to explain the change to the locals, 75 members surprised Yellow by showing up. TDUer Doug Allan, who is a Yellow driver and Local 208 trustee. stated, "In my personal opinion, it's like negotiating a contract. If they want a certain thing and you know they are going to get it in the end, you try to get something in return."

The Yellow drivers and dockhands were successful in this case. The change was shelved. It was a good example to show that a little rank and file organizing can be effective pressure.

After the Change

All too often we find members who feel they were victimized in a change of operations, fighting it after-the-fact. There are generally two possible avenues in this situation, but both of them are uphill battles.

The first is to seek a clarification of the terms of the change of operations. This would involve grieving it, and if possible, securing the backing of your local and if the problem involves more than one local, get other members to do the same. It could then be taken up by the Committerwe for an interpretation or clarification.

The other is legal action. Under Section 301 of the Labor Management Relations Act, can charge that the company violated the contract and the union violated its duty of fair representation. These cases are difficult to win because the courts give a wide latitude to the Commitee since it contains both the union and the company and is therefore presumed fair.

In the case filed by TDUers and others, **Barrentine vs. ABF**, the members were able to win by showing clear irregularities in the procedures. This involved an earlier ABF change.

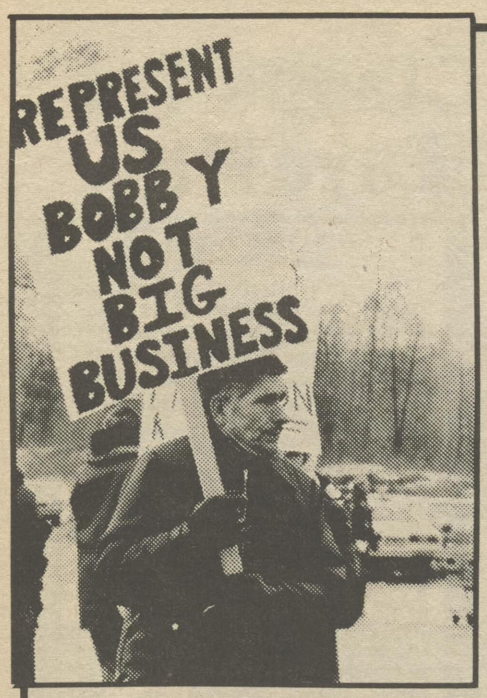
Smith's Transfer

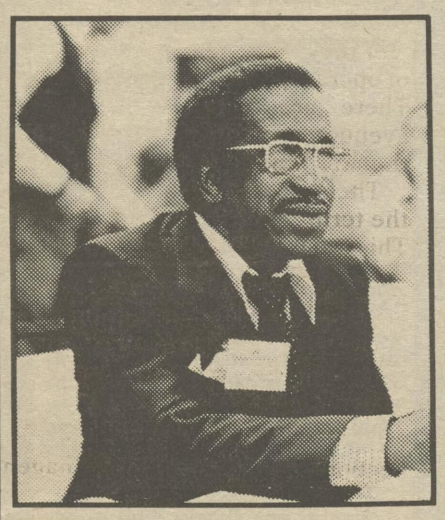
TDUers at Smith's Transfer filed an important lawsuit in 1981 involving a large number of jobs.

Smith's laid off some 200 drivers at Staunton, while hiring elsewhere to do the same runs, in violation of their 1977 Change. When Local 29 would not effectively pursue the grievance, including compelling Smith's to produce dispatch records, the drivers organized, joined TDU, and filed suit in federal court.

More Expected

We can expect more and more companies to be pulling off changes, and taking advantage of the union Committee members' willingness to 'play ball'. The lesson is two-fold: first, the need for change in our union. The restore our fighting capability, and replace Committee members who think their jobs are to say 'yes sir' when the company asks them for anything at all. And second, for the rank and file to arm ourselves with knowledge. Prepare for Change of Operations, link up with others when possible, contact TDU early for help, formulate clear goals, work with local union officers to get the best possible presentation, and be prepared to fight.





ENNIS MOORE
Kroger baker, 28 years service

"The Teamsters is like our lawyer, right? Supposed to have been. They're supposed to have been responsible for us on the job, which they did not do. That's why we paid our union dues. Then you go to them with a problem or something and they throw up their hands and go, 'I don't know.'

"I fault the Teamsters entirely for this whole thing because it didn't have to happen like this. They could have made us work that six months or we could have been transferred to the warehouse or something. That's stupid—28 years, my whole life at Krogers, and then all of a sudden I don't have a job, at 50 something years old. That's crazy.

Four Year Fight for Pensions

Kroger Bakers Win Justice at Last

"The TDU is who helped us. They were always there, always...I never gave up."

—Mary Runski, 26 years at the Detroit Kroger bakery

It's been almost four years since that cold day in January, 1979 when Kroger closed the doors on its Detroit bakery. Over 150 bakers—91 with over 20 years at Kroger—heard news more startling than the shutdown itself in their final company interview: despite their many years of hard work, they would not qualify for their Teamster pensions. They had nothing to look forward to.

At every turn they heard the same thing: big shots in the company, in the union and in the pension fund said, "There's nothing we can do. It won't do you a bit of good to fight."

But one voice told them something different. TDU members said, "Stick together and fight—and we'll help." The bakers fought back, and they have just won the pensions that an honest union could have secured with a snap of its fingers.

More than any other individual, one man made them wait four years for their rightful pensions and a dignified retirement. A man who came right out of Detroit Kroger himself to become an International Vice President. A man who became the top Teamster negotiator with Kroger. A man who for years sat as a Trustee on the Central States Pension Fund and who could retire today and collect multiple pensions totaling nearly $150,000 a year.

That man is Bobby Holmes, head of their own Local 337, who wrote each baker three months after the closing and said, "There is no further action that this Union can take on your behalf." This is the same man who orchestrated a propaganda barrage inside the local to mislead other members into thinking that either the Kroger bakers had in fact collected their pensions or they had voted the pensions away by accepting severance pay.

The real story is less well known. The bakers had been denied their pensions because in 1970 they were switched from a Kroger pension plan to the Central States Pension Fund. Little did the bakers know that when the plant shut down nine years later, workers with up to 44 years seniority would find themselves just months short of eligibility for their Teamster pensions, left with nothing to protect them in their forced retirement.

The letter from Holmes might have ended the story, as happens all too often. But the bakers' chief steward of 25 years, TDU activist Joe Urman, kept them organized. They picketed the union hall and leafleted Kroger stores, marching through ice and snow in the dead of winter to let everyone know they weren't giving up.

When Holmes, Kroger and the Pension Fund wouldn't budge, the bakers sued to get their pensions. They waited and waited as the case wound its way through the legal system, but they never gave up.

Mary Roback had been looking forward to her pension as long as anyone. She started working at the Kroger bakery in 1935—the same year Bobby Holmes and Jimmy Hoffa got their start in the Teamsters at Kroger in Detroit. Forty-seven years later, Mary addressed 400 teary-eyed Teamsters at the 1982 TDU Convention to announce the victory the bakers had won. She extended thanks from herself and all the bakers to those who had helped make this victory possible.

The bakers' lawyer, TDU attorney Ann Thompson, explained that a settlement of the lawsuit had been reached which would provide the bakers with their pension checks and retroactive payments. For some bakers retroactive pay would add up to $18,000. She summed up her part in the fight by saying, "I'm proud of what I was able to do, but I only did what a decent, honest union would have done four years ago."

So the next time somebody asks you, "What's TDU ever done?" tell them to ask one of the Kroger bakers who stuck together, fought for their rights and won. Tell them to ask Mary Roback.

"The Teamsters did send us a letter about the picketing at the union hall. They said Joe [Urman] was trying to use this for his own benefit or something like that, to try to discourage us.

"I want people who are still working in the Teamsters to realize that they don't have it made. Don't put too much faith into the Teamsters [by saying], 'I'm in the Teamsters, I've got so many years here, I've got it made.' I thought I had it made, and you wake up one morning and you don't have nothing."

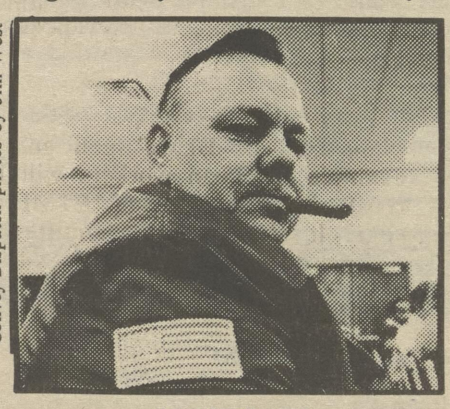
MEREDITH HEITE
Kroger baker, 42 years service

"The union put out this propaganda that we voted for a settlement, we got profit-sharing and all this, and that didn't have anything to do with it. Some people told me: 'You guys voted for this. You had a chance to vote, didn't you?' Well, sure we voted, but we didn't vote for this. We'd be crazy to vote away our pensions after 40, 30, 25 years.

"That's the propaganda the union put out. In fact I had an argument with one woman who said we're a bunch of communists or socialists is what we are. They get these smart phrases and the propaganda and people believe it. The union puts out this propaganda and that squares everything with them."

DETROIT KROGER BAKERS PICKET HOLMES' OFFICE in the winter of 1979. Pickets like these kept the bakers organized and showed they would not give up.

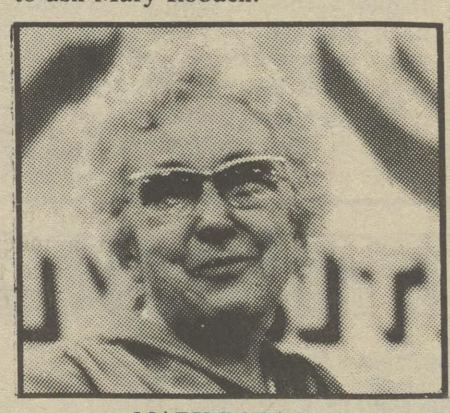
Convoy-Dispatch photos by Jim West



JOE URMAN
Kroger baker, chief steward, 25 years

"Everybody's heard about the Kroger bakers. There's been other companies in Detroit who shut down—lots of them—and you never hear about them again. But we picketed and that helped build the unity that kept us together for four years, and we'll stay together."

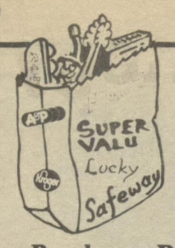
"Now they're going to hear the true story of the Kroger bakers in Local 337. And when they do, Holmes had better retire before *he* gets retired next year."



MARY ROBACK
Kroger baker, 44 years service

"Did I ever give up? I would say, well, I don't think I'll get it but I'm not going to give up, I'm going to go out there and fight. As long as they're in there pushing I'm going to be in there too. Joe kept in touch with me and the TDU people would say, 'We're going to be here' or 'We're going to be there' and come hell or fire we were there.

"Holmes would never have anything to do with us—ever."



the grocery bag

Kroger Purchases Dillon Chain. After wage freezes, modest wage increases, and the sale of its Southern California Market Basket operations, Kroger found its bank account overflowing. Following the pattern set by other corporate giants, Kroger went shopping for a ripe, profitable company. It found one in Dillon Companies, Inc. of Hutchinson, Kansas and snatched it up for $624 million in stock.

Dillon owns 218 supermarkets and 349 convenience stores in twelve states west of the Mississippi. They operate under a variety of names, one of which is King Soopers, the largest chain in Denver. This acquisition expands Kroger's operations significantly in a westward direction, making it a truly national chain.

For its $624 million, Kroger is getting the fifth most profitable grocery chain (per dollar of sales) in the country. A particularly attractive point for the company in the sale is the ready outlet it will provide for Kroger manufactured products (KMP), an increasingly profitable resource for Kroger.

Drivers and warehouse workers at Dillon-owned companies have something to gain through this merger, too. They are now able to become part of the **Kroger Connection Network**, the communications link between Kroger Teamsters throughout the company.

Hidden Changes in Kroger Master Language. When the Kroger master contract was extended earlier this year, everyone working for Kroger believed there was not going to be a single change in the master language. The pension and health and welfare contributions would change, but this was because they were indexed to the freight settlement. Other than that, there were supposed to be no changes.

Well, guess what. Members who have scrutinized the new contract have discovered that language was added to Article 25 (Subcontracting) to the master contract—the addition of the date May 31, 1979—which limits who is protected by the subcontracting clause. Not a single Business Agent or union official will claim any knowledge of or responsibility for how this date got in the contract. The deafening silence of their replies suggests that Robert Holmes of Detroit, the chief authority for Kroger negotiations, may be responsible for the new language.

TDU is looking into how this new revelation affects the union's claims in court that the contract was simply extended with no changes and that the members' vote on their supplement is also their vote on the master. But for the time being, Kroger members voting on a local supplement would be well-advised to ask what the subcontracting language is in this supposedly 'unchanged' part of the contract.

No Amnesty for Local 544 Super Valu Strikers. Teamsters at Minneapolis Super Valu are angry over how Local 544 handled the problem of amnesty for 13 workers fired because of picket line incidents during a nine-day strike last June. Four of the men had received tickets for minor incidents on the picket line, but when asked at the contract ratification meeting what would happen to them, Local 544 Sec.-Treas. Chuck Madden replied: "Anyone of you guys who have tickets, turn them over to our lawyer and we'll take care of them."

But 10 days after the contract was ratified and the men had gone back to work, the four who had gotten tickets plus nine others whom the company claimed were also involved in picket line incidents were suspended. A week later they were told they had been fired. The men were shocked because they assumed everything had been taken care of, based on Madden's comment.

All the fired men filed grievances. Shortly before the grievances of the four were arbitrated, Madden informed them that a settlement had been reached. If they agreed to drop the grievances, they would be reinstated with partial back pay—a loss of between five and 10 weeks pay. The other nine grievances went to arbitration, and in one recent ruling, an arbitrator sustained a suspension lasting until January 15, 1983, with no back pay.

The men are furious because Madden publicly promised to take care of the situation in the contract meeting. They are investigating whether action in the courts or at the Labor Board is possible to reverse this injustice.

TDU MEETINGS

BC/Yukon Area TDU
Thursday, January 6th—7:30 p.m.
Rio Hall, 3325 Kingsway

Central Illinois UPSers
Sunday, December 5—2:00 p.m.
Bloomington Carpenters Hall
2002 Beich Road at Vets Highway
Bloomington, Ill.

Chattanooga Area TDU
Sunday, December 5-6:00 p.m.
Ft. Oglethorpe Housing Authority
201 Hayes St. Ft. Oglethorpe, Ga.

Detroit Metro TDU
Rummage Sale
Saturday, December 4
PLAV Hall, Central at Michigan
Call 841-8686 for more info.

Milwaukee Area TDU
Saturday, December 18—1:00 p.m.
Irene J's
1839 South 2nd

St. Louis Local 600 TDU
Saturday, December 11—11:00 a.m.
Vets Post 88
On Broadway, 1 block N. of Bittner

Twin Tiers TDU
Saturday, December 4—2:00 p.m.
Horseheads American Legion Hall
Horseheads, N.Y.

Xenia Super Valu Workers
Saturday, December 11—12:00 noon
YMCA Community Room
135 East Church St., Xenia

Ruling Guts Claims for May UPS Layoffs

Thousands of UPS Teamsters who were laid off in violation of the 40-hour weekly guarantees during the week of May 3-7, 1982, should have money coming to them.

Unfortunately, the Central Conference Joint Area Committee issued a ruling on November 8 which will gut most of the claims, though it does admit that UPS violated the guarantees that week.

The text of the decision is printed here. Note that it applies only to the Central Conference, but is likely to set the pattern for other areas as well.

A TDU UPS contract bulletin issued on May 6, 1982, advised members to file timely grievances. Guideline #1 shows the value of submitting grievances, as the Committee supported the company's position that only where timely grievances were filed will payment be due. Locals should have filed blanket grievances to protect their members.

The loopholes in the decision are so great that some stewards we contacted estimate that only a few people will be paid in their areas. One large local reported they did not think they would have anyone due money under this language!

Different contract supplements have different language on weekly guarantees, and some have different grievance procedures. Members in each area should demand their right to the money UPS owes them for the contract violation.

After all, management's 'big scare' tactic helped them get the 'labor bargain of the year' for our contract. Why should't they at least have to pay what they wrongfully took from us for that week in May.

Text of Interpretation 726
(Case #97-82)

It is the interpretation of the Committee that Article 12, Section 1 of the Central Conference of Teamsters UPS supplemental agreement, was in effect during the week of May 3-7 subject to the following terms and conditions:

1] Only full-time employees who were in the top 90% shall have their grievances considered. 2] Employees who were absent or who voluntarily took time off shall have waived their right to the guarantee. 3] Employees who could have exercised their seniority and displaced junior employees in other classifications or on a part-time shift or shifts shall have their claim reduced by the number of hours they could have worked elsewhere. It was the employee's responsibility to make his desire to work elsewhere known to management immediately. 4] Employees whose scheduled starting time was changed and who worked shall not be entitled to claim pay for their originally scheduled starting time. Employees who refused work because of the starting time change shall not be eligible to have their grievances considered each day they did not make themselves available for work. 5] Part-time employees who were not worked as a result of being displaced by full-time employees or the part-time employees shall have no claim.

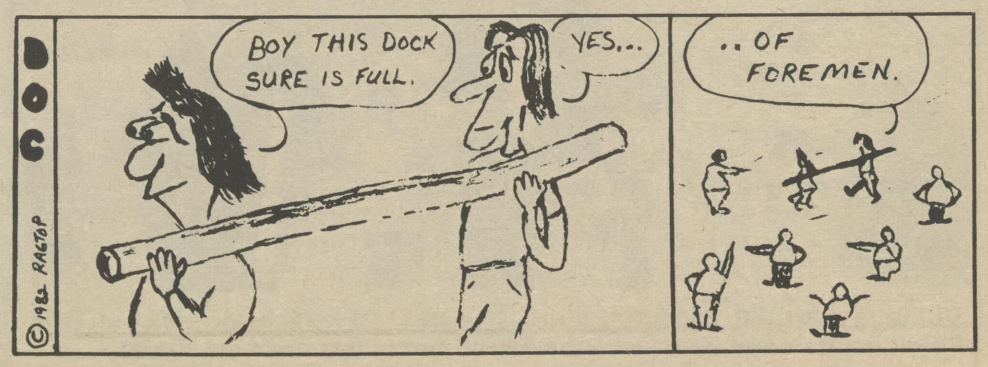
The Committee returns jurisdiction of any timely filed grievance back to the local union and the UPS district involved for settlement, using the guidelines outlined above. Any timely filed grievance that is unresolved by December 1, 1982, shall be sent immediately to the Central Conference of Teamsters office to be promptly submitted to a special committee for resolution.

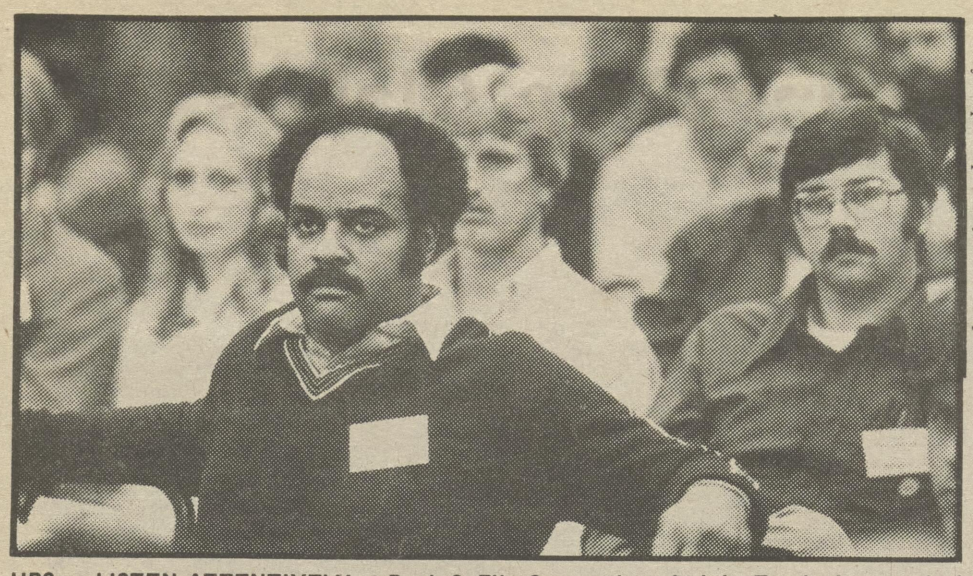
Southern Cal PIE Goes on Production Rampage

Interesting intercepted memo from Jack Holder, PIE's regional manager in Southern California, to all TMs in the area. It states in part: "I want stops per hour calculated. Also bills per hour on the dock performance should be computed on every employee daily. Any employee not making at least 2.0 stops per hour, or at least 5 bills per hour on the dock I want interviewed and I want the employee to understand that poor performance will not be tolerated and if the individual does not work up to standards they are gone.

"Document the interview and place in their personnel file. This should be done with every interview. If improvement is not made—issue a written reprimand. If improvement does not happen, issue a warning letter to that effect—indicating that continuation of poor performance will result in disciplinary action up to and including discharge. The next step is suspension and the final step is termination."

Holder goes on to call for laying off drivers and dockmen to put more of a production squeeze on the employees. Of course, one problem with Holder's anti-union scheme is that it is in clear violation of the NMFA. Perhaps he is counting on our grievance procedure to look the other way for him. If PIE Teamsters are experiencing problems from this little management brainstorm, we invite them to contact TDU right away.





Convoy-Dispatch photo by Bob Gumpert

UPSers LISTEN ATTENTIVELY at Rank & File Convention. At left, Travis Armstead of Local 705, Chicago; at right, Jim Wardell, Local 710, Galesburg, Ill.

HangUPS

News of UPS Workers

More News on Contract Vote. Another Local Union has released the information on the contract ratification vote which some locals have been told isn't available by Joseph Cotter, Roy Williams' assistant. The secretary-treasurer of Local 486 based in Saginaw, Michigan, released the figures in a letter:127 YES, 144 NO. We're still looking for all those YES votes that the International found.

We encourage everyone to try again to get what's rightfully yours, the contract vote count for your local. Send a letter to your principal officer by certified mail and a copy of your letter to TDU by regular mail.

Harassment Grievance in Stockton, CA. A grievance was filed against a particular supervisor for harassment of workers in Stockton, Cal. The panel originally declared the grievance improper, but there was a long discussion of the grievance which was recorded in the minutes. It was stated that if this supervisor continued to harass people that another grievance would be accepted. It wasn't a complete victory, but all the supervisors have backed off, particularly the one in question.

Springfield UPS Workers Get Cooperation from Their President. Recently, a Local 404 UPS driver was unable to make a large bulk stop. He notified the company and was told that they would send someone out to take the packages. They had the nerve to send a mechanic who is not even a member of the bargaining unit. As a result of a meeting on this matter with Local 404 President Al Tardy, a letter was sent to the Machinists Union informing them of the contract violation and a grievance was filed. The TDU members wish to thank President Tardy for his prompt action in this matter.

Your Rights to Post Literature. You have a right under the National Labor Relations Act (NLRA) to collective bargaining or other mutual aid or protection. Workers in Stockton have an NLRB case pending against UPS management in Stockton. They had a settlement without a trial which guaranteed them the right to post literature. They did just that by posting the cartoons from the pamphlet, "Rank and File Organizing at UPS." Their Center Manager was so incensed by the cartoons that he stripped the board of the cartoons himself and sent them to the NLRB hearing officer. Since that time, management has taken down the whole bulletin board. **Convoy-Dispatch** feels confident that the board will be restored in Stockton. Watch **HangUPS** for the outcome.

Too Much is Never Enough. Management in St. Louis, in an effort to save a few dollars, is trying to downgrade the skill level of some sort positions in an effort to avoid paying the skilled pay rate.

A grievance filed against the action was recently deadlocked at the JAC. The grievance argues that, although the knowledge needed for the 18 positions has been lessened, the positions should still require skill sorter pay.

While St. Louis seems to be the only area hit with this problem so far, it could be the first step by UPS to get out of paying sort pay at other hubs around the country. Like they say, give them an inch and they'll take... If anything like this has happened at your hub, please let the TDU Office know.

Equality of Dues Wanted by Iowa UPSers. UPS workers in Otumwa, Creston, and Red Oak, Iowa, have distributed a petition asking their local to freeze their dues at the current rate of $27.00, until the rest of the employees of United Parcel Service in the state of Iowa reach that level. The petition had 95% endorsement. Out of 11 Centers in Iowa, the dues range from $17.00 to $27.00 a month.

UPSers Plan Strategy At Convention Meeting

The two UPS meetings at the October 30-31 Rank and File Convention were attended by Teamsters from 30 locals in 21 states. The spirit was high and hopeful. John Braxton from Philadelphia Local 623 kicked off the meeting by singing "The Ballad of Bobby Brown" about a UPS pre-loader who keeps those boxes moving until one day...

The meeting served to get people together in order to learn from each other and to lay out some goals for the coming year for UPS Teamsters to work on. It was decided that the following should be considered as national goals and by local groups of UPSers:

• **Develop a National Structure for UPS Teamsters.** This would be a National UPS Council consisting of area representatives with a smaller Steering Committee. A five-person steering committee was formed. The members are: John Braxton, Local 623, Philadelphia; John Brown, Local 340, Portland, Maine; Jim Clark, Local 435, Boulder, Col., Pat Hough, Local 688, St. Louis; and Ronnie Mullis, Local 728, Augusta, Georgia.

The Council members will be from each state or major city and will take responsibility for **Convoy-Dispatch** coverage, for recruitment of members to TDU in their area. This will serve also as a basic structure of information exchange, for example on grievances.

• **Launch a Long Term Campaign Against Productivity Harassment.** Details to be announced.

• **Build Up Local Chapters, Local Shop Strength, and UPS Involvement in Local Unions.** Some goals for local people to consider are : Institute one or more of the employee funds reported on in **Convoy-Dispatch.** Develop shop committees. Put out a local or regional newsletter. Work with other Teamsters from other jurisdictions and build up participation of UPS Teamsters in the local. Enforce the contract through use of the grievance procedure. Become a steward or run for office.

• **Campaign to Get the Contract Vote Count for the Locals and to Safeguard the Vote in Future Contract Votes.**

Other concerns to be addressed and covered in **Convoy-Dispatch** are: 1) Incentive plans; 2) Problems of sex, race, and age discrimination; 3) Driver relief programs, and 4) Working off the clock.

Naturally, the attendees at the UPS meetings at the convention understand that not everyone in their area can do all of the above. But, these should serve as a guideline for the types of things we hope you will be able to implement in your area in the coming years.

Bay Area UPS Strike Over H & W?

As the Christmas peak season approaches, UPS workers in the San Francisco Bay Area may soon be walking the picket lines if UPS does not pay increased costs in health and welfare benefits provided for the contract.

On October 4, 22 Teamster locals in Northern California issued a five-day strike warning to UPS because UPS had failed to pay maintenance of benefits (m.o.b.) for September. Article 27, Section 1 of the Northern California Package Rider to the national UPS agreement provides for payment of these benefits.

Since that time, talks between the company and the union have produced no results. UPS remains firm in refusing to comply with the contract, ever refusing a compromise offer.

Meanwhile in several locals the rank and file are preparing for a strike by getting together picket schedules, distributing information and forming strike committees. "Even if there is no strike," said one UPSer active in the effort, "it's good exercise for us."

On November 20, the Joint Council 7 Stewards Caucus met and drafted a letter to be signed by stewards and sent to local and Joint Council officers, asking that the union stick to its game.

One steward told **CD** that there is concern that the International will try to prevent the locals from using the contract language which gives the right to strike if the company refuses to meet its obligation to the health and welfare plan. There is also concern that some locals, especially those in Joint Council 38 may 'compromise' which would require employees to pay a portion of the Health & Welfare increase.

But so far the Bay Area local officers are holding firm. One BA said that if they leave the matter to the grievance procedure, "we'll get our butts whipped." And they have stated that legal action would be much too slow.

If the union would agree to compromise by giving away part of the contract, there would still have to be a secret ballot vote on it by the affected membership, under Article 16, Section 4, TDU members are pointing out.

In the Bay Area the affected locals include Locals 70, 315, 490, 624, and 980. In addition some locals in the California Valley Joint Council 38 are also affected. Other locals in Northern California either have company health plans or their H&W plans did not raise the contribution rate.

If there is a strike, it is anticipated that pickets will be sent to other Northern California locals as well, including San Francisco Local 278 and San Jose Local 287, to pressure the company to settle quickly. These members will have a legally protected right to respect the legal, primary picket line.

Correction

In the October, 1982 edition of **Convoy-Dispatch** the caption on a United Press International (UPI) photo inaccurately identified the speaker as Joseph Purcell, Vice President of Local 177. The correct identification is Mario Perucci, Local 177 Secretary-Treasurer.

Bill Slater's Speech to Rank & File Convention

"Paid for with Blood and Tears"

Convoy-Dispatch photo by Bob Gumpert

BILL SLATER, Local 315, San Francisco

Good Morning.

As always, it is a pleasure to be here. You know, the toughest thing about writing a speech is finding a proper subject to talk about. It is not that there are not enough subjects—if anything, it is that there are too many, especially when one is talking about events in the labor movement.

One of these events that interested me was how the government handled the recent railroad engineers' strike. After complying with all the laws, the engineers went on strike. The president immediately asked the Congress for legislation that would make the strike illegal. Congress complied. The President's reason for wanting new legislation was that the strike was detrimental to the country's welfare.

Is that not the same excuse given to the Polish union Solidarity? I see little difference in a government that uses brute force to outlaw a union and one that ties unions up in a legal maze that is virtually impossible to penetrate. And when a union is successful in penetrating the maze, they quickly pass another law to plug the hole. My point is that governments, no matter what their ideology, have little tolerance for workers and their unions.

No doubt the biggest event concerning workers today is unemployment. What most of us see, unless you are one of the unemployed, are the cold statistics. What we don't see is the devastating effect that it has on those involved.

The Effects of Unemployment

Perhaps the best way I can describe the terrible effects of unemployment is to relate a true story about a friend of mine. His name was Eddy Volls. Eddy was caught up in the recent General Motors consolidation of its auto transporters. Eddy, with some twenty plus years of seniority, was replaced on the job by another worker, from another company. He was placed on a preferential hiring list and was brought back to work at the bottom of the seniority board.

Shortly after that, as all of you know, the bottom fell out of the automobile business. They found Eddy slumped in the corner of a motel room, dead by his own hand, a note apologizing to his wife and family, and a statement that he just could not stand another layoff.

During the Great Depression of the Thirties, there were no social programs of any sort. People of that generation lost everything. Thousands of men rode the rails, and wandered aimlessly over the face of this country, searching desperately for some way to make a living. My father was one of those men. The last I saw of him was when he came by the house and gave my sister and I each a nickel, then turned and headed for the rail yards in San Bernadino, California. I have no idea whatever happened to the man.

We Owe Our Well-Being to Unions

Contrast that to today's situation with all of its social benefits, benefits made possible by organized labor. What would the economic condition of this nation be, if it were not for the billions of social security and unemployment dollars being pumped back into the economy? You can follow our history through to this very moment, and you will find that all of the meaningful social progress came about through working class people and their unions.

The great broad band of America's working class people, both the organized and unorganized, owe their well-being to unions. Working conditions and wage increases did not come about through the generosity of corporate America—they were bought and paid for by the blood and tears of all those who stood and fought on all the picket lines over the years.

They fought not only the thugs and goons hired by the employers, they also fought those devious and evil cowards who sat in the state houses and city halls, those political lackeys bought and paid for by the corporate interest. We beat them before, and we will beat them again, but first there are several things we must do.

Number one is we must take pride in ourselves. We have nothing to be ashamed of. We are the sons and daughters of the working class people who built and made this country great. Number two, we must arm ourselves, not with ball bats and stones, but with knowledge. We must be able to communicate to our brothers and sisters and show them that the only guarantee of a decent living and social justice lies in democratically organized unions.

And, my friends, the difference between a democratic union and organized slavery may very well be seated in this room. Great movements do not suddenly appear out of thin air—they are generally the collective thoughts of a few people that are nurtured and brought to fruition by a handful of believers.

I would remind you that not only the modern day rebirth of the Teamsters Union, but in large part, the actual birth of the CIO was brought about, in 1934, by a handful of people who within their local union, organized the truckers of Minneapolis, Minnesota, fought and won against what seemed to be insurmountable odds, a victory that changed the history of this country.

My friends, last Sunday morning I had the pleasure of walking up Market Street in downtown San Francisco with 70,000 Brothers and Sisters. And as we walked through the corporate canyons of that great city, I got the distinct impression that the rank and file was sending a message to Ronald Reagan and his wealthy friends that the time to start organizing for another great victory is at hand.

CHICAGO TANK AGREEMENT PASSED, BUT QUESTIONS RAISED. Despite intense last minute organizing by the Chicago Tank Drivers Committee, a concessionary contract passed 465 to 332 on November 12. The new agreement freezes wages for hourly drivers at $13.20, for road drivers at $11. Above, close to 90 drivers met on three days notice to plan the final week of opposition to the contract. Serious questions have been raised about the validity of the vote. Many drivers did not receive ballots, while others who were not working did. An informal canvass by the Drivers Committee showed sentiment running 10-1 against the contract, and 500 drivers had showed up in September to demand a decent contract from Local 705 Sec.-Treas. Louis Peick. TDU's attorneys in Chicago are investigating the possibility of going to court to overturn the vote. And in any event, the drivers are sticking with TDU for the long-term fight to get rid of Peick and get a decent local union.

Shea gives away carhaul contract

Ryder Gets Halfrate

No, it's not 1929, the clock has not been rolled back, only the pay to Flint, Michigan and Arlington, Texas carhaulers.

When Complete Auto Transport called laid off Flint drivers and told them that if they refused to work this 1/2 rate, 1/2 rate run, their unemployment benefits would be cut off. United Transports in Arlington gets the other half of the deal.

According to one unemployment referee in Flint this could not be done. But a final determination has not been reached yet. This dehumanizing, union-busting tactic is only a small part of this story.

Before the regular October barn meeting of the consolidated Complete-Boutell drivers, the steward and Flint Local 332 officials were approached by CAT to take a running mile deal. To their credit, they flat out turned 'em down.

This deal was brought up again at the October barn meeting, again rejected unanimously.

At the same meeting, a motion was passed that they would accept an agreement that complied with the contract (Full rate one way, 1/2 rate on the short leg).

The company declined, it being too late to docket this for the next competitive review committee panel. But, they tried to get the local to talk about it anyway.

Local 332 stuck to their guns. Going to the panel made no difference to them.

The company then made it known that the loads would be going out by October 28 anyway and 332 could grieve it. Instead, 332 chose to strike. During a meeting on October 28, 332 officials received word by phone that Walter Shea, chief assistant to IBT President Roy Williams, had a telegram on the way which said, "Based on approval of Central/Southern Area Spokesman, the movement of the above traffic as posted is to be run on a trial basis subject to a hearing before the next Central Southern Joint Area Committee." The strike was over before it began.

Will 30 days be the same as 30 years? Not if 332 and these drivers have anything to say about it!

The company has been busy posting three different bid sheets, each one re-worded. One of them mentioned $950.00 per week. They decided not to leave that one up very long.

The way it figures out is about 12.5% goes to the driver, though the company will make about $2,000 profit per turn, designate equipment, not provide pay copies or even mileage until you're back.

After considering the fact that CAT cut the rate $85.00 per unit below the rail (much, much more than needed), it leaves one to wonder what's going on between GM, CAT (Ryder), United, and Walter Shea. Also consider this, at $85 per car, Ryder can still show a profit at Full rate, half rate!

Mr. Shea, what happened to our IBT constitution that says we have a right to a secret ballot vote on this "outside the contract" sellout?